

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH L. NASH,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.


Case No. C04-5785FDB

ORDER DENYING PETITIONER'S  
MOTION FOR RELIEF FROM JUDGMENT

This habeas petition pursuant to 28 U.S.C. § 2244(d) was denied as time barred and judgment was entered for respondent. Petitioner appealed and the Ninth Circuit denied certificate of appealability. Petitioner now moves pursuant to Fed. R. Civ. P. 60(b)(6) for relief from Judgment or Order. He seeks to relitigate the timeliness of his petition. Respondent has filed a response in opposition, and the objections therein are well taken. This Court sees no basis to relieve Petitioner from the judgment herein. Following Respondent's response, Petitioner moved to amend his motion. This motion is ill-conceived and futile.

ACCORDINGLY, IT IS ORDERED: Petitioner's Motion for Relief from Judgment [Dkt. # 54] is DENIED, pending motions to proceed IFP and to file an amended motion are STRICKEN, and this cause of action is DISMISSED.

DATED this 22<sup>nd</sup> day of December 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE